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May 20, 2022

Mr. Douglas Parker , Assistant Secretary of Labor
Mr. James Frederick, Deputy Assistant Secretary of Labor
U.S. Department of Labor – OSHA
200 Constitution Avenue, N.W.
Washington, D.C. 20210

**RE: Request for Extension of Comment Deadline; Docket No. OSHA-2021-0006
Improve Tracking of Workplace Injuries and Illnesses**

Dear Mr. Parker and Mr. Frederick:

On behalf of the **Employers E-Recordkeeping Coalition** (the “Coalition”), please accept and consider this letter formally requesting that the Occupational Safety and Health Administration (“OSHA” or “the Agency”) extend the deadline for the submission of comments on the proposed amended “Improve Tracking of Workplace Injuries and Illnesses” rule (Docket No. OSHA-2021-0006) (the “E-Recordkeeping Rule”), for sixty (60) additional days, until July 30, 2022, or some other extended comment period as OSHA deems appropriate, so as to provide the Coalition and other interested stakeholders sufficient opportunity to prepare and submit meaningful comments.

The Coalition is composed of a diverse group of national employers and trade associations representing many industries, including manufacturing, construction, petroleum refining and chemical manufacturing, retail, shipping/logistics, agriculture, and many more, with hundreds of thousands of employees across hundreds of workplaces in every region of the country. The common thread among our Coalition members is that they are responsible employers who care deeply about their employees’ health and safety.

Our Coalition members have significant experience implementing OSHA’s E-Recordkeeping Rule since its inception in 2016, and have amassed significant data and learned valuable lessons about the data collection and submission process called for in the existing rule, which provides for considerable expertise about the implications of the proposed amendments to the rule.

We respectfully request this extension of the comment deadline for a number of reasons. Our members are still digesting the potential changes to the E-Recordkeeping Rule that OSHA is considering and the accompanying requests for information set forth in the proposed rule, and they are working diligently to assess the impact of those potential changes and gather responsive information or data that will be undoubtedly very valuable to OSHA. Providing OSHA with accurate, meaningful feedback requires a substantial time investment to analyze the requests for information, collect data, and compile it in a way that will be most useful for the Agency. An extension will enable Coalition members that runway needed to reflect, analyze, and prepare thoughtful comments for OSHA’s review.

Furthermore, the initial set two-month timeline to analyze the proposed revisions, discuss them with the Coalition, and prepare and submit comments is a very short amount of time for the regulated community to comment on the proposed substantial revisions to the E-Recordkeeping Rule, especially considering the significant privacy issues raised by the proposed collection of 300 and 301 data and the substantial interest in the outcome of the rulemaking shared by employees, union representatives, and employers alike.

The availability of time and resources to dedicate to these comments is further strained by the timing of the comment period. First, this comment period has overlapped substantially with the comment period, public hearing schedule, and post-hearing schedule for OSHA's work on a Permanent COVID-19 Standard for the Healthcare Industry, which impacts many of the same industries and employers as will be affected by the proposed amended E-Recordkeeping Rule. Those employers have dedicated time and resources to participate in that COVID-19 rulemaking, and it is generally the same company resources (internal safety and health and/or regulatory affairs professionals), whose attention is needed for this E-Recordkeeping rulemaking. Second, the current comment submission deadline is set for the day after the Memorial Day holiday weekend (May 31, 2022), *and* the end of the fiscal year for many companies, which also requires them to prioritize their resources on responsibilities associated with meeting that end of year deadline. An extension of this comment period would enable employers to refocus their resources towards this rulemaking so that we may provide more useful comments for the Agency's consideration.

Finally, both the employee-community and the regulated community appear to agree that an extension of time to submit thoughtful comments is warranted. While we recognize the importance of proceeding with the rulemaking process, an additional sixty days (or some other shorter period) will not slow the rulemaking process in any consequential manner, especially given that no data submissions will be due to be made under the Rule for almost a full calendar year.

Given the size of our Coalition and the number of their employees impacted by the proposed revisions to OSHA's E-Recordkeeping rule, the coalition has a substantial interest in the outcome of the rulemaking. As such, we respectfully request that OSHA extend the comment period by 60 additional days, to July 30, 2022 to provide stakeholders sufficient time to provide meaningful information to OSHA in this comment period.

If you have any questions or need further information, please do not hesitate to contact me (econn@connmaciel.com; 202.909.2737).

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink, reading "Eric J. Conn", is written over a horizontal line.

Eric J. Conn

Counsel to the Employers E-Recordkeeping Coalition